



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22312-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,736	12/12/2001	Wolff Wu	FIVER-00104	4103
28960 7590 01/28/2004 HAVERSTOCK & OWENS LLP 162 NORTH WOLFE ROAD SUNNYVALE, CA 94086			EXAMINER VARGOT, MATTHEW D	
			ART UNIT 1732	PAPER NUMBER

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10015,736

Applicant(s)

WU ET AL.

Examiner

Mehmet D. Vargot

Art Unit

1732

The MAILING DATE of this communication appears on the cover sheet with the correspondence address.

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extension of time may be available under the provisions of 37 CFR 1.309(a) in an event, however, that a reply is timely filed after 30 (thirty) days from the mailing date of this communication.
- A 2 (two) month period for reply is set by this Office action. The statutory extension of time (30 days) will be available if the applicant requests it.
- Failure to reply within the set or extended period for reply will, by itself, render the application to become ABANDONED (35 U.S.C. § 122).
- Any reply received by the Office later than 30 days after the mailing date of this communication, must be clearly labeled, "late reply" and must be accompanied by a statement of the reasons for the delay.

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since the application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 O.G. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 25-33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objections to the drawing(s) be held in abeyance. See 37 CFR 1.659.
- Replacement drawing sheet(s) including the amendment is required if the drawing(s) is/are objected to. See 37 CFR 1.121(a).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- 12a) ☐ All ☐ Some ☐ None of
- 1 ☐ Certified copies of the priority documents have been received.
- 2 ☐ Certified copies of the priority documents have been received in Application No. ____.
- 3 ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(a) (to a provisional application) also a specific reference was included in the first sentence of the specification or in an Application Data Sheet, 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet, 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-400)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-648)
- 3) ☐ Information Disclosure Statement(s) (PTO-540) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Kokai 61-279,805 in view of either of Espindola et al or Sasaoka et al and further in view of Burns et al.

The primary reference discloses the basic claimed process of making an all fiber optical filter by heating and stretching an optical fiber until a desired stretch is performed, Japanese -805 essentially lacking the aspects of the fiber having an inner and outer cladding and the use of first and second clamps which are moved by stepper motors. Either of Espindola et al or Sasaoka et al disclose optical fiber filters with the instant arrangement of a core surrounded by an inner and outer cladding. One of ordinary skill in the art would have found it obvious to replace the optical fiber of the primary reference with those taught in either of Espindola et al or Sasaoka et al dependent on the exact type of optical fiber filter desired--i.e., its ultimate function. Certainly, the optical fibers with gratings are more conventional in the art than the structure shown in Japanese Kokai -805. Burns et al discloses stretching an optical fiber by heating same to an appropriate temperature while clamping the ends of the fiber and stretching by activating motors connected to the clamps. In disclosing that the optical fiber is heated and stretched, Kokai -805 would be open to any method known in the art to stretch an optical fiber, and for that reason Burns et al is considered to be analogous art. It would

have been obvious to one of ordinary skill in the art to employ the clamping and stretching as taught in Burns et al in the method of Japanese -805 to facilitate the stretching of the fiber. Japanese -805 performs the stretching to manipulate the response of the optical fiber to light input--i.e., allow the fiber to act as a filter--and it is submitted that encompasses the characteristic being an optical spectrum response as recited in instant claim 30. Measuring the response as set forth in claim 31 would have been an obvious feature in Japanese -805 to test the fiber and such is nothing but conventional in the art.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mathieu D. Vargot whose telephone number is 703 308-2821. The examiner can normally be reached on Mon-Fri from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colianni, can be reached on 703 305-6493. The fax phone number for the organization where this application or proceeding is assigned is (703) 672-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0651.


Mathieu D. Vargot
Primary Examiner
Art Unit 1732
12/19/03

M. Vargot
December 14, 2003